

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

Civil Action No: 04Cv11720-REK

ROBERT O'TOOLE,

Plaintiff,

v.

STANDARD
INSURANCE COMPANY

Defendant.

PROPOSED JOINT PRETRIAL STATEMENT

Pursuant to Local Rule 16.1(D), the parties to the above-captioned matter have conferred and submit the following joint statement and proposed pretrial schedule, in anticipation of the Scheduling Conference scheduled for January 26, 2005 in this action.

This is an ERISA case. The Plaintiff seeks to recover long term disability benefits of its employee welfare benefit plan. The Standard Insurance Company has denied the Plaintiff's claim for disability benefits.

1. Proposed Discovery Plan

February 2, 2005 – Administrative Record filed.

May 2, 2005 – All written discovery/fact depositions completed.

June 6, 2005 – Motions for Judgment filed.

1/26/05
Approved and adopted at
CMC today.
Robert O'Toole, Senior Judge

1/26/05
Caffrey

June 20, 2005 – Oppositions filed.

2. Certifications of Counsel and Client

The undersigned counsel certifies that he has conferred with his client (a) with a view to establishing a budget for the cost of conducting the full course – and various alternative courses – of litigation, and (b) to consider the resolution of litigation through the use of Alternative Dispute Resolution programs such as those outlined in Local Rule 16.4.

The representation of the parties, also required by Local Rule 16.1(D)(3), will be filed at the scheduling conference.

3. Agenda of Matters to be Discussed at Pretrial Conference – Rule 16.1(B)

- a. The scheduling and scope of discovery.
- b. The scheduling of the Motions for Judgment and oral arguments.

4. Alternative Dispute Resolution

The parties agree to participate in a settlement conference on or before March 31, 2005.

5. Trial by Magistrate

Pursuant to Local Rule 16.1(B)(3), the parties have considered whether they will consent to trial by magistrate judge. At this time, the parties have agreed not to consent to trial by magistrate.

Respectfully submitted,

Handwritten signature of Brooks R. Magratten in black ink. The signature is written in a cursive style. To the right of the signature, the letters "MSK" are circled in ink.

Brooks R. Magratten, Esq.

BBO# 650393

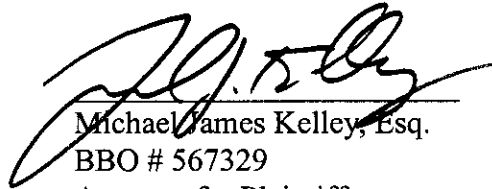
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Handwritten signature of Michael James Kelley in black ink. The signature is written in a cursive style.

Michael James Kelley, Esq.

BBO # 567329

Attorney for Plaintiff

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Dated: Boston, Massachusetts
January 19, 2005